

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

FABIAN STRAUSS	:	CIVIL ACTION
VERSUS	:	NUMBER: 6:17-0235
UNIV. OF LA. SYS. BD. OF SUPERVISORS, ET AL.	:	DISTRICT JUDGE MICHAEL JUNEAU
	:	MAGISTRATE JUDGE CAROL WHITEHURST

MOTION FOR SUMMARY JUDGMENT

NOW INTO COURT, through undersigned counsel, comes Defendants, the State of Louisiana through the Board of Supervisors for the University of Louisiana System, University of Louisiana – Lafayette, and Dr. Carol Landry, in her official capacity (collectively “State Defendants”), who respectfully move this Honorable Court for judgment in their favor as a matter of law pursuant to Fed. R. Civ. P. 56 for the following reasons which are more fully explained in the attached memorandum of law in support of this motion.

I.

Plaintiff, Fabian Strauss, a student with bilateral hearing impairment, attended the University of Louisiana at Lafayette (“ULL”) from the Fall 2013 through Fall 2017 semesters.

II.

In this lawsuit, Plaintiff’s remaining claim against State Defendants is the alleged failure of the State Defendants to provide reasonable academic accommodations while he was a student at ULL. This failure of providing reasonable academic accommodations allegedly occurred prior to February 5, 2016.

III.

Plaintiff cannot meet his burden of proof as there is no evidence to suggest that the State Defendants failed to provide reasonable accommodations during Plaintiff's tenure at the university.

IV.

Furthermore, Plaintiff cannot show that State Defendants discriminated against him in any manner due to his disability under the provisions of Title II of the Americans with Disabilities Act of 1990, 42 U.S.C.A. §12131, *et. seq.* and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §701, *et. seq.*

V.

Therefore, Plaintiff cannot establish a *prima facie* case against the State Defendants for discrimination due to a disability under 42 U.S.C.A. §12131, *et. seq.* and 29 U.S.C. §701, *et. seq.*

VI.

Because there exists no genuine issue of material fact, State Defendants are entitled to summary judgment as a matter of law.

WHEREFORE, State Defendants, the State of Louisiana through the Board of Supervisors for the University of Louisiana System, University of Louisiana – Lafayette, and Dr. Carol Landry, in her official capacity, respectfully pray that this Honorable Court grant their motion and dismiss Plaintiff's claim against them with prejudice, at Plaintiff's cost.

Respectfully submitted,

BY: /s/ Jared E. Nelson

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Counsel of Record for State Defendants- Dr. Carol Landry, University of Louisiana- Lafayette & Board of Supervisors for the University of Louisiana System

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the **24th** day of **July, 2019**, the foregoing was filed electronically with the Clerk of Court by using the CM/ECF system. Notice of this filing will be sent to all parties who participate in electronic filing by operation of the court's electronic filing system.

Fabian R. Strauss,
through his attorney of record,
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Lafayette, Louisiana on this **24th** day of **July, 2019**.

s/Jared E. Nelson
Jared E. Nelson
Assistant Attorney General